

**VIRGINIA:**

**BEFORE THE VIRGINIA STATE BAR DISCIPLINARY BOARD**

**IN THE MATTER OF  
CHUNG SUK OH**

**VSb DOCKET NO. 20-052-116520**

**AGREED DISPOSITION MEMORANDUM ORDER  
90-DAY SUSPENSION WITH TERMS**

On Wednesday, October 28, 2020 this matter was heard by the Virginia State Bar Disciplinary Board upon the joint request of the parties for the Board to accept the Agreed Disposition signed by the parties and offered to the Board as provided by Part 6, Section IV, Paragraph 13-6.H of the Rules of the Supreme Court of Virginia. The panel consisted of Carolyn V. Grady, Chair, Donita M. King, David G. Gogal, Sandra M. Rohrstaff and Tammy D. Stephenson, Lay Person. The Virginia State Bar was represented by Elizabeth K. Shoenfeld, Senior Assistant Bar Counsel. Chung Suk Oh was present and was not represented by counsel. The Chair polled the members of the Board as to whether any of them were aware of any personal or financial interest or bias which would preclude any of them from fairly hearing the matter to which each member responded in the negative. Court Reporter Beverly Lukowsky, Chandler and Halasz, P.O. Box 9349, Richmond, Virginia 23227, telephone (804) 730-1222, after being duly sworn, reported the hearing and transcribed the proceedings.

**WHEREFORE**, upon consideration of the Agreed Disposition, the Certification, Respondent's Answer, Respondent's Disciplinary Record, the arguments of the parties, and after due deliberation,

It is **ORDERED** that the Disciplinary Board accepts the Agreed Disposition and the Respondent shall receive 90-Day Suspension with Terms, as set forth in the Agreed Disposition, which is attached and incorporated in this Memorandum Order.

It is further **ORDERED** that the sanction is effective October 28, 2020.

It is further **ORDERED** that:

The Respondent must comply with the requirements of Part 6, Section IV, Paragraph 13-29 of the Rules of the Supreme Court of Virginia. The Respondent shall forthwith give notice by certified mail of the Revocation or Suspension of his license to practice law in the Commonwealth of Virginia, to all clients for whom he is currently handling matters and to all opposing attorneys and presiding Judges in pending litigation. The Respondent shall also make appropriate arrangements for the disposition of matters then in his care in conformity with the wishes of his clients. The Respondent shall give such notice within 14 days of the effective date of the Revocation or Suspension, and make such arrangements as are required herein within 45 days of the effective date of the Revocation or Suspension. The Respondent shall also furnish proof to the Bar within 60 days of the effective day of the Revocation or Suspension that such notices have been timely given and such arrangements made for the disposition of matters.

It is further **ORDERED** that if the Respondent is not handling any client matters on the effective date of the Revocation or Suspension, he shall submit an affidavit to that effect within 60 days of the effective date of the Revocation or Suspension to the Clerk of the Disciplinary System at the Virginia State Bar. All issues concerning the adequacy of the notice and arrangements required by Paragraph 13-29 shall be determined by the Virginia State Bar Disciplinary Board, which may impose a sanction of Revocation or additional Suspension for failure to comply with the requirements of this subparagraph.

The Clerk of the Disciplinary System shall assess costs pursuant to Part 6, Section IV, Paragraph 13-9.E. of the Rules.

It is further **ORDERED** that an attested copy of this Order be mailed to the Respondent by certified mail, return receipt requested, regular mail and electronic mail, at his last address of record with the Virginia State Bar at Shin Law Group, 7600 Leesburg Pike, Suite 350 East, Falls Church, VA 22043, and a copy via electronic mail to Elizabeth K. Shoenfeld, Senior Assistant Bar Counsel, Virginia State Bar, Suite 700, 1111 E. Main Street, Richmond, VA 23219.

Enter this Order this 29th day of October, 2020

VIRGINIA STATE BAR DISCIPLINARY BOARD

**Carolyn V. Grady** Digitally signed by Carolyn V.  
Grady  
Date: 2020.10.29 08:40:44 -04'00'

---

Carolyn V. Grady  
First Vice Chair

**RECEIVED**  
**Oct 20, 2020**  
VIRGINIA STATE BAR  
CLERK'S OFFICE

VIRGINIA

BEFORE THE DISCIPLINARY BOARD  
OF THE VIRGINIA STATE BAR

IN THE MATTER OF  
CHUNG SUK OH

VSB Docket No. 20-052-116520

AGREED DISPOSITION  
(90-DAY SUSPENSION WITH TERMS)

Pursuant to the Rules of the Supreme Court of Virginia, Part 6, Section IV, Paragraph 13-6.II, the Virginia State Bar, by Elizabeth K. Shoenfeld, Senior Assistant Bar Counsel, and Chung Suk Oh, Respondent, *pro se*, hereby enter into the following Agreed Disposition arising out of the referenced matter

I. STIPULATIONS OF FACT

1. Respondent was licensed to practice law in Virginia in 2012. At all relevant times, Respondent has been a member in good standing of the Virginia State Bar.
2. Respondent represented Complainant Irvin Martinez on felony charges of possession of a Schedule I/II drug with intent to distribute and prisoner in possession of cocaine.
3. The case was tried on the possession with intent to distribute count only. On August 1, 2018, the jury returned a guilty verdict.
4. On January 24, 2019, Martinez was sentenced to 10 years of imprisonment with four years suspended, provided Martinez met certain conditions including paying a fine of \$7,000. On the date of the sentencing, the Court appointed Respondent as Martinez's appellate counsel. In response to questioning from the Court, Respondent said that there was no reason why he could not handle the appeal.
5. Despite his representation to the Court, Respondent later admitted that he "didn't know what to do" regarding the handling of Martinez's appeal.
6. On February 22, 2019, Respondent filed a handwritten notice of appeal with the Alexandria Circuit Court.
7. On May 2, 2019, the Court of Appeals emailed Respondent at chung@shinlegal.com to notify him that the Court of Appeals had received the record that day. The email stated that "the petition for an appeal is due no later than 40 days after the date on which the record is received by the Court of Appeals."
8. Respondent did not receive the May 2, 2019 email because he had not had access to this email address since 2018, when his former employer, the Shin Law Group, closed.

Respondent had not provided the Court of Appeals with an alternative, functional email address

9. On July 22, 2019, the Court of Appeals dismissed Martinez's appeal *sua sponte* because no petition for appeal had been filed. This order was also emailed to chung@shinlegal.com.
10. On August 19, 2019, Martinez filed a complaint against Respondent with the Virginia State Bar. On August 20, 2019, intake counsel asked Respondent to communicate with Martinez regarding the status of his case and requested a response from Respondent by August 30, 2019.
11. On September 6, 2019, having not received anything from Respondent, intake counsel wrote to Respondent again to notify him that if he did not respond within five days, it was highly likely that Martinez's bar complaint would be investigated.
12. On September 9, 2019, Respondent wrote a letter to Martinez. Respondent said that at Martinez's sentencing hearing, "I told you not to appeal and that a reconsideration would be a better option for you . . . You said you wanted to appeal anyways." Respondent continued:

If you want to pursue your appeal, I will immediately withdraw from your case and you can retain a new attorney to pursue your appeal. If you want to heed my advice and utilize all the resources available to you, I will file a motion to reconsider after you have shown clear progress in your attitude and life to warrant a motion for reconsideration.
13. Respondent also told Martinez that he was sorry regarding the appeal and blamed his failure to perfect the appeal on personal issues, including the death of his brother-in-law.
14. Respondent sent a copy of his September 9, 2019 letter to intake counsel. In his transmittal email, Respondent said that he planned to visit Martinez sometime the following week.
15. On September 18, 2019, Respondent visited Martinez in prison and presented him with a motion to withdraw as counsel. Martinez refused to sign the motion and told Respondent that he wanted him to fix what he had failed to do regarding the appeal. Respondent then said that he would file a motion for leave to pursue a delayed appeal with the Court of Appeals.
16. On or about October 1, 2019, the bar notified Respondent that this matter had been referred for further investigation. In an undated response that the bar received on or about November 7, 2019, Respondent said that he was "in the process of filing an affidavit and motion for leave to file a delayed appeal."
17. On January 16, 2020, which was the last business day before Respondent's interview with the bar investigator in this matter, Respondent filed a motion for leave to pursue a delayed appeal. In the Affidavit attached to the motion, Respondent acknowledged that he had failed to perfect the appeal and the failure was his fault alone.

## II. NATURE OF MISCONDUCT

Such conduct by the Respondent constitutes misconduct in violation of the following provisions of the Rules of Professional Conduct

### RULE 1.1 Competence

A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.

### RULE 1.3 Diligence

- (a) A lawyer shall act with reasonable diligence and promptness in representing a client

### RULE 1.4 Communication

- (a) A lawyer shall keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information.

### RULE 1.16 Declining Or Terminating Representation

- (a) Except as stated in paragraph (c), a lawyer shall not represent a client or, where representation has commenced, shall withdraw from the representation of a client if:

- (1) the representation will result in violation of the Rules of Professional Conduct or other law;
- (2) the lawyer's physical or mental condition materially impairs the lawyer's ability to represent the client, or
- (3) the lawyer is discharged.

## III. PROPOSED DISPOSITION

Accordingly, Assistant Bar Counsel and the Respondent tender to the Disciplinary Board for its approval the agreed disposition of 90-Day Suspension With Terms as representing an appropriate sanction if this matter were to be heard through an evidentiary hearing by a panel of the Disciplinary Board. The terms with which the Respondent must comply are as follows:

1. Respondent shall review the Virginia Indigent Defense Commission's *Standards of Practice for Indigent Defense Counsel*, available at [vadefenders.org](http://vadefenders.org), and certify that he has done so to bar counsel on or before December 31, 2020.
2. Respondent shall enroll and attend three (3) hours of Continuing Legal Education ("CLE") in the substantive area of criminal appellate practice. These hours shall not be credited toward Respondent's compliance with his mandatory CLE requirement. Respondent shall complete this term and certify his completion to bar counsel on or before February 28, 2021.

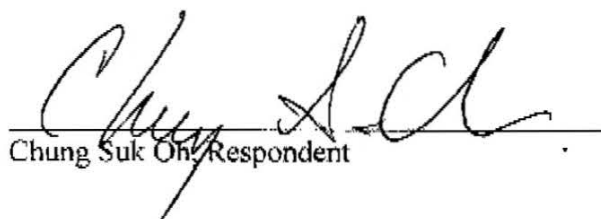
Upon satisfactory proof that such terms and conditions have been met, this matter shall be closed. If, however, all the terms and conditions are not met by the deadlines imposed above, the Respondent agrees that the Disciplinary Board shall impose an additional Six-Month Suspension pursuant to the Rules of Court, Part Six, Section IV, Paragraph 13-18.O.

If the Agreed Disposition is approved, the Clerk of the Disciplinary System shall assess costs pursuant to ¶ 13-9 E of the Rules.

THE VIRGINIA STATE BAR



By \_\_\_\_\_  
Elizabeth K. Shoenfeld  
Senior Assistant Bar Counsel



\_\_\_\_\_  
Chung Suk Oh, Respondent